

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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December 3, 2015

MEMO TO COUNSEL RE: Coakley & Williams v. Catlin Specialty Ins. Co.
Civil No. JFM-15-1248

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendant's motion to dismiss.

The motion (document 6) is denied. The theoretical issue of whether plaintiff is trying to use its professional liability coverage as a source of funding for the ordinary cost of procuring services in its role as general contractor cannot be resolved until a factual record has been established. On the existing record it is impossible to determine the reasons that plaintiff's subcontractors sought additional payment from plaintiff. Of course, if the requests for payment had nothing to do with plaintiff's alleged negligent conduct in supervising the project, plaintiff is not entitled to any relief. I note, however, that it appears that defendant itself initially denied coverage on the merits, not on the ground that the insurance policy at issue did not cover any claims asserted.

A conference call will be held on December 15, 2015 at 4:30 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Enclosed is a tentative scheduling order with approximate dates for your information. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings.

Also enclosed is a letter regarding a call-in hour program for the resolution of discovery disagreements.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge